

REMARKS

To expedite allowance, claims 1 – 30, 35, and 38 – 57 have been cancelled. Claim(s) New claim 58 has been added. Support for new claim 58 can be found throughout the specification, for example, page 11, lines 7-28. No new matter has been added by virtue of the claim amendments.

Sequence Rules

Applicant has amended Figure 2 to delete the extraneous amino acid sequence.

Claim Objections

Applicant respectfully submits that the objection has been obviated by the cancellation of claim 35.

Claim Rejections

Claims 30 – 38 have been rejected under 35 U.S.C. 112, first paragraph. The Examiner takes the position that the specification does not reasonably provide enablement to one skilled in the art.

While Applicant respectfully disagrees, as noted above, claim 1-30, 35 and 38-57 have been cancelled to expedite prosecution. New claim 58 is directed to subject the Examiner has indicated is enabled.

Claim 30 has been rejected to under 35 U.S.C. 112, second paragraph. The Examiner takes the position that it fails to particularly point out and distinctly claim the subject matter of the invention.

Applicant respectfully submits that the cancellation of claim 30 has obviated this rejection which should therefore be withdrawn.

Claims 30 – 37 have been rejected to under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements.

Applicant submits that the amendment to claims, as discussed above, have obviated this rejection, which should therefore be withdrawn.

In view of the foregoing, Applicant respectfully requests favorable reconsideration of the application.

Conditional Petition for Extension of Time and Fee Authorization

This conditional petition is being filed along with the accompanying Amendment and Petition for Extension of time. It provides for the possibility that Applicant has inadvertently overlooked the need for a fee for extension of time.

A Petition for a One Month Extension of time is submitted herewith. If any additional extension of time for the accompanying response is required, Applicant requests that this be considered a petition therefore.

The Examiner is authorized to charge any fee deficiencies or credit any overpayments associated with this submission to the Nixon Peabody LLP Deposit Account No. 50-0850.

The Examiner is invited to contact the undersigned if further matters need to be discussed in order to expedite the prosecution of the present application.

Date: August 19, 2004

Respectfully submitted,



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